

**MINUTES**  
**Montana Fish, Wildlife & Parks Commission Meeting**  
**FWP Headquarters – 1420 East 6<sup>th</sup> Avenue**  
**Helena, MT**

**FEBRUARY 16, 2012**

**Commission Members Present:** Bob Ream, Chairman; Dan Vermillion, Vice-Chairman; Ron Moody; A.T. Stafne; Shane Colton.

**Fish, Wildlife & Parks Staff Present:** Joe Maurier, Director, and FWP Staff.

**Guests:** See February 16, 2012 Commission file folder for sign-in sheet.

**A Work Session was held February 15 to discuss season setting proposals and public comments.**

**Topics of Discussion:**

1. Call to Order - Pledge of Allegiance
2. Approval of Minutes of January 19, 2012 Commission Meeting
3. Approval of Commission Expenses through January, 2012
4. Commission Reports
5. Director's Report
6. Upper Thompson Lake Administrative Rule Petition
7. Non-Resident Falcon Take Administrative Rules – Final
8. Raptor Propagation Administrative Rules – Final
9. Statewide Fish Management Plan – Informational
10. 2011 Mountain Lion Permit Increase in HD250 – Final
11. Wolf Season Extension / Management Harvest in WMU 250 – Final
12. 2012/2013 Bison Management Harvest – Final
13. Permit Application Refinement – Final
14. 2012/2013 Moose/Sheep/Goat Seasons, Quotas Ranges, HD Boundaries—Final
15. 2012/2013 Deer/Elk/Antelope Seasons, Quota Ranges, HD Boundaries—Final
16. 2012/2013 Black Bear Seasons, Quotas Ranges and HD Boundaries – Final
17. 2012/2013 Mountain Lion Seasons and HD Boundaries – Final
18. 2012/2013 Bison Hunting Seasons and HD Boundaries – Final
19. 2012/2013 Upland Game Bird Hunting Seasons, Quotas and HD Boundaries – Final
20. 2012/2013 Migratory Bird Hunting Regulations – Final
21. 2012/2013 Game Damage Quotas – Final
22. 2012/2013 Hunting Season Dates – Final
23. Open Microphone – Public Opportunity to Address Additional FWP Issues

1. **Call to Order - Pledge of Allegiance.** Vice-Chairman Vermillion called the meeting to order at 8:30 a.m. and led the Pledge of Allegiance.

2. **Approval of the Commission Meeting Minutes of January 19, 2012.**

*Action: Vermillion moved and Colton seconded the motion to approve the January 19, 2012 minutes. Motion carried.*

3. **Approval of the January Commission Expense Report.**

*Action: Colton moved and Vermillion seconded the motion to approve the expense report as presented. Motion carried.*

**4. Commission Reports.**

Staflne offered no report.

Colton offered no report.

Moody attended a Hunter Education Instructor meeting in Lewistown. He stated that many people are still not aware of the March 15 license deadline.

Ream noted that with the end of the wolf season yesterday, 166 wolves were reported harvested, which is 75% of the quota. Vermillion reported that the process consumed a lot of time. He thanked the FWP biologists for indulging in answering his questions. Due to the soft winter at this point, there is concern for some of the drainages - a wet spring is going to be needed. Region 3 is ready to go with gauges and measuring devices in case the waters are down. He met with Representative Washburn and discussed many issues. Landowners near Chico decided they found a good place for a proposed tire dump site. He is contacting folks to try to shut it down.

**5. Director's Report.** Director Maurier thanked the Commission and staff for the hard work they put into the hunting season proposal. There has been a great deal of interaction with many folks, which is not always an easy task. He said the sooner dialogue and evaluation of the wolf season begins, the better it will be. The Department would like to invite the County Commissioners from all 56 counties to attend a FWP Commission Work Session to discuss their ideas on predator control. It would be proactive and would provide coordination with the counties.

**6. Upper Thompson Lake Administrative Rule Petition.** Upper Thompson Lake is a 294-acre lake in Lincoln County, and is exempted from the 200-foot no-wake rule established in 2001. The middle and lower lobes of the lake are limited to a controlled no-wake speed, but the upper lobe has no restrictions. Jim Kropp, FWP Enforcement Bureau Chief, said FWP received a petition requesting a ban on personal watercraft on the upper lobe of Thompson Lake. Several citations have been issued to homeowners on the lake, or to guests of homeowners, in response to violations. Enforcement would like the opportunity to work with cabin owners to educate them on the water safety rules and regulations rather than banning these watercraft at this time. FWP recommends the FWP Commission deny the petition.

Becky Jakes-Dockter explained that the Commission can approve the petition and initiate rulemaking, or deny the petition. The public will need an opportunity to comment.

Lee Anderson, FWP Region 1 Warden Captain, stated that he has spoken with the petitioners and they have agreed to FWP's proposal to place extra enforcement visibility on the lake and not add another regulation. Cabin owners were amenable to this as well.

*Action: Colton moved and Vermillion seconded the motion to deny the petition requesting an administrative rule banning personal watercraft on Upper Thompson Lake. Motion carried.*

**7. Non-Resident Falcon Take Administrative Rules – Final.** Jim Kropp, FWP Enforcement Bureau Chief, explained that SB 92, passed during the 2011 Legislature, allows for non-resident licensed falconers to capture raptors in Montana for falconry purposes. This creates reciprocity with other states. The proposed regulations, similar to those of other states, includes a quota system by raptor species, a reporting system for take, and a fee for non-resident take. FWP received seventy-nine comments in support of the proposal, and thirty-two comments in opposition of either the proposal itself or falconry in general.

*Action: Vermillion moved and Moody seconded the motion to adopt the administrative rules regarding falconry and nonresident take of raptors in Montana as proposed. Motion carried.*

**8. Raptor Propagation Administrative Rules – Final.** Jim Kropp, FWP Enforcement Bureau Chief, explained that raptor propagators must be licensed by the U.S. Fish and Wildlife Service and by the State of Montana. Montana has 14 licensed raptor propagators authorized to breed captive raptors and to transfer and sell the captive-bred offspring. The USFWS revised their regulations regarding raptor propagators, effective June 22, 2011. These proposed rules defer to the new USFWS regulations, with some regulations specific to Montana also included. For example, Montana's current licensing period of one year and license cost of \$20 have been revised to a five-year license with a fee of \$100. This revision coincides with the new federal regulations that provide for a five-year licensing period. Annual reports to Montana of raptor production, transfer, sale, or death will continue to be required to maintain the Montana raptor propagator license. FWP received twelve public comments, all in favor of the proposal.

*Action: Vermillion moved and Colton seconded the motion to adopt the administrative rules regarding raptor propagation as proposed by FWP.*

**9. Statewide Fish Management Plan – Informational.** Bruce Rich, FWP Fisheries Bureau Chief, explained that the fish management plan will identify the goals for the core fisheries programs. Those goals include fish management, aquatic habitat, fishing access, and angling opportunities. The plan will establish management direction for each water body under Department authority, and the management objectives and considerations for the fish found in those specific water bodies. It will provide the public with an overview on the laws, rules, and policies that affect fisheries management, and will provide guidance to the Department and the FWP Commission in the development of future policies and regulations. The final plan is expected to be provided to the Commission within eighteen months. The longevity of the plan is expected to be 10 years with a review after 5 years. Public meetings will be held to gather information and to gauge public support, and input will be sought from groups and organizations with an interest in fisheries management.

**10. 2011 Mountain Lion Permit Increase in HD250 – Final.** Quentin Kujala, FWP Wildlife Bureau, reminded the Commission that at the January Commission meeting they had passed a motion that the ongoing mountain lion season in HD 250 be adjusted from 20 to 30 total lion special licenses with the female subquota adjusted from three to five. These additional special lion licenses would be allocated based upon the existing randomized list of unsuccessful applicants for special lion licenses in HD 250.

Ream said it would be bad policy to change the numbers in the middle of the season, and a more accurate predator / prey study can be conducted if variables are not changed in the middle of the study.

*Action: Ream moved and Vermillion seconded the motion to allow the increased special lion licenses and female subquota in HD250 as presented by FWP. Motion failed unanimously.*

**11. Wolf Season Extension / Management Harvest in WMU 250 – Final.** Quentin Kujala, FWP Wildlife Bureau, stated that in December of 2011, the Commission extended wolf hunting through February 15, 2012. Based on concerns of impacts to elk populations by wolves and the current low wolf harvest in WMU 250, this proposal further extends wolf hunting without a hunter orange requirement in WMU 250 through April 1, 2012 or until the quota of 18 wolves is met, whichever is first. There is no change from the proposed adoption.

*Action: Colton moved and Moody seconded the motion to allow management harvest of wolves by hunters in WMU 250 through April 1, 2012 as presented by FWP.*

Colton stated that there are big problems with singling out one WMU. It makes more sense to get together with community leaders and talk about harvest methods. He will vote against this motion.

Ream stated that he will vote against this motion.

Moody said his position remains the same, but said that this species and this district has become the poster child of discussions on large carnivores. This can be defined as a predator problem, but more progress will be made if it is considered as a predator opportunity.

Vermillion said it is important that this hunt look reasonably successful. Wolves get the blame for perceived ungulate deficits, and in certain districts it is not strictly wolves creating the deficit. It is people, lions, bears, etc. They all have a role to play. He will vote against this motion, however, he will propose a March 15 deadline instead.

Colton pointed out that from 2007 through today, Montana stands ahead of neighboring states in the number of wolves harvested. It makes sense to end this season and focus on what the hunt will look like in the future.

Stafne said he voted in favor of the extension in December, but has been debating the situation. One issue concerning him is the number of elk calves taken by wolves versus those taken by lions. He has changed his mind since this was first proposed, and will also vote against this motion.

*Action on Motion: Motion failed unanimously.*

*Action: Vermillion moved to extend the season in WMU250 to March 15. No second to the motion. Motion failed unanimously.*

**12. 2012/2013 Bison Management Harvest – Final.** Quentin Kujala, FWP Wildlife Bureau, stated that there are no changes to the proposed tentatives that were adopted by the Commission. A great deal of public comment has been generated over this proposal to provide licensed hunters, or hunters selected from a randomized list, an opportunity to harvest bison outside defined tolerance areas and outside the normal bison hunting season. This would become known as “bison management harvest.”

*Action: Colton moved and Vermillion seconded the motion to approve the use of hunters for bison management harvests as presented by FWP. Motion carried. (Stafne opposed.)*

**13. Permit Application Refinement – Final.** Hank Worsech, FWP License Bureau Chief, explained that the application deadline for all resident and nonresident antlered/brow-tined/either sex elk & deer permits was changed from June 1 to March 15 to coincide with current nonresident license drawing deadline starting in 2012. Problems with this arose as many residents do not complete hunter education until after the March 15<sup>th</sup> deadline, and FWP reissues returned non-resident combination licenses after March 15, so these individuals would not be able to participate in the deer and elk permit drawings. To resolve this issue, the Commission adopted, at their January Commission meeting, a proposed rule that would allow residents who complete hunter education after March 15 and non-residents who purchase returned combination licenses the opportunity to purchase unlimited deer or elk permits after the March 15 deadline. FWP received six comment in support and two in opposition, and five in support of residents but not nonresidents.

*Action: Vermillion moved and Colton seconded the motion to adopt the proposed rule that Residents completing hunter safety after March 15<sup>th</sup> and nonresidents purchasing returned combination licenses are unable to obtain or apply for a deer or elk license by March 15. These individuals may secure an unlimited deer or elk permit after the March 15 application deadline. Motion carried.*

**14. 2012/2013 Moose/Sheep/Goat Seasons, Quotas Ranges, HD Boundaries—Final.**

Moose

*Action: Colton moved and Vermillion seconded the motion to adopt the final 2012 and 2013 Moose Hunting Seasons and Hunting Districts as proposed by FWP. Motion carried.*

*Vermillion expressed concern over moose district boundaries in Crazy Mountains and asked staff to look closely at issue of harvest distribution.*

Sheep

*Action: Colton moved and Ream seconded the motion to adopt the final 2012/2013 Bighorn Sheep Hunting Seasons and Hunting Districts as proposed by FWP. Motion carried.*

Vermillion stated that it was unfortunate that the translocation of sheep to the Lewis and Clark Caverns area was stopped in its tracks. This ewe harvest is occurring because the ewe population is rising and it is feared that diseases may develop in HD302. He has heard many comments from upset members of the public who are asking the Department to continue to work with landowners for translocation of the sheep.

Goats

*Action: Colton moved and Vermillion seconded the motion to adopt the final 2012 and 2013 Mountain Goat Hunting Seasons and Hunting Districts as proposed by FWP. Motion carried.*

**15. 2012/2013 Deer/Elk/Antelope Seasons, Quota Ranges, HD Boundaries—Final.**

Kujala clarified that LPT 201-02 be set at 50 B licenses.

*Action: Colton moved to accept 2012-2013 seasons, districts and quota ranges but not address the regulations for 2013 youth deer hunting season. Vermillion seconded the motion and proposed to amend the motion to address HD326 to make it antlered mule deer bucks in that district and to reduce the lower limit of Region 3 mule deer B license quota ranges to 5. Colton accepted the amendment and further amended the lower limit of the 007-13 and 007-14 quota ranges to 200 and 50 respectively.*

The Commission directed staff to present all quota range changes to the Commission at the appropriate meeting later this spring.

Leroy Mehring said the quota ranges should be from 0 to whatever.

Kujala replied that a quota of 0 creates a structure change as it eliminates an LPT, so is not a good way to go if there is interest in increasing the quota again during the biennium.

Vito Quatrero said the numbers that are listed in the regulation booklet are what hunters think are the actual quotas, so more accurate numbers should be placed in the regulation booklet.

Tony Schoonen thanked the Commission for being conservative.

*Action on Motion: Motion carried.*

*Action: Vermillion moved and it was seconded to adopt the 2-day youth season on proposed dates and not require, but recommend, archers to wear hunter orange during youth deer hunt for 2013. Motion carried.*

#### Elk

*Action: Colton moved and Vermillion seconded the motion to:*

- 1. Remove HDs 420 and 455 from elk archery bundle. Apply general license either sex elk during archery season.*
- 2. Assemble the following HDs or portions of HDs into one elk archery bundle. The elk archery permit will be LPT 900-15. For the first year of the biennium (2012), the LPTs will remain as is but any successful applicant will be able to hunt in any of the hunting districts or portions of the hunting districts with the permit. In 2013, the one bundle will be tied to a single LPT identified as 900-15.*
  - HDs 401/403/450 - 350 either sex permits*
  - HDs 411/412/426/511/530 - 900 either sex permits*
  - HD 447 - 680 either sex permits*
  - HDs 500/570 - 180 either sex permits*
  - HDs 502/510 (west of Hwy 310)/520 (south and east of West Fork of Rock Crk)/575 - 150 either sex permits*
  - HD 580 (south of Sweetgrass Creek) - 130 either sex permits*
  - HD 590 and portion of HD 701 north of the Yellowstone River, south of Hwy 12 and west of Sumatra-Myers Road - 450 either sex permits*
  - HDs 702/704/705 - 860 either sex permits*
  - TOTAL of 3700 either sex permits*
- 3. Total permits for 2012 would be set at 3700 permits. The permits would be available as first and second choice only. This permit level may be adjusted in May-July for the following calendar year (July 2012 adoption would address the permit level for 2013 hunting season). These permits and their review would be address in an annual cycle.*
- 4. These permits would be either sex in all of the above areas for 2012 hunting season.*
- 5. Harvest prescriptions would be developed and presented to the Commission in May-July for the coming hunting season (July 2012 adoptions would address the harvest prescriptions for 2012 hunting season). Development, public/Commission review and Commission adoption of prescriptions would include consideration of elk population objectives, elk population status, a 6-year window for reaching objective and consideration of circumstances to include education and tolerance for small steps forward early in this 6-year window. These prescriptions would be developed at the appropriate scale (hunting district or group of hunting district) relative to how the management objective is defined and how monitoring information is collected. Monitoring would include harvest surveys and winter flight information. These permits and their review would be addressed in an annual cycle.*
- 6. After the 2012 hunting season, LPT 900-15 would be available for different applications in individual HDs within the bundle. The FWP Commission would assess annual performance in May-July. If performance expectations were met within a HD, the permit would remain valid for either sex throughout the HD. If performance expectations were not met within a HD, the permit could be restricted to other sex/age classes or landownerships within the specific HD to include but not limited to antlerless only, either sex on public lands only, spike bull/antlerless, etc.). July 2013 adoptions would address the 2013 hunting season. After the 2012 hunting season, the regulation booklet and application packet would only identify the dates for LPT 900-15 within any one HD in the bundle. The booklet would further state "Permit definition based on elk population status. See Final adoption in July". After the July Commission adoption, the list of HDs and how LPT 900-15 may be variously applied in those districts would be made available to the public. All districts would remain in the bundle regardless of performance. However, the age/sex class or landownership that the permit would be valid for any one HD within the bundle may be variably adjusted. For example, a hunter holding the 900-15 permit may hunt any of*

*the HDs within the bundle but may hunt either sex elk in one but only spike bulls or antlerless in another. The Commission may also remove a hunting district from this bundle and apply a more restrictive season for bulls based upon performance. 7. In addition to existing HD-specific antlerless elk harvest opportunities, 1000 antlerless elk B licenses would be made available for use on private lands only within this bundle. This B license would be LPT 900-80 and would be valid during both the archery (with archery equipment only) and rifle seasons. (This will be applied to private lands outside Block Management Areas.)*

Vito Quatrero said it is a good compromise. The antlerless B tags should have wording changed to “up to” 1,000. He is not in favor of removing 420 and 455 – it helps archers but not rifle hunters. Increase rifle hunter tags.

Steve Kamps said this improves mobility. FWP has made a few improvements.

Tom Madden does not remember a public meeting on this proposal. A lot of time and energy was put into the elk management plan, and it isn’t used.

Robert Allen sees a problem if it is first and second choice.

John Gibson is concerned that it is across the board commercialization and privatization of public wildlife.

Ben Lamb supports the Commissions efforts.

Mac Minard supports this.

Vermillion clarified that “up to” 1000 B licenses would be offered.

*Action on Motion: Motion carried.*

*Action: Moody moved and Colton seconded the motion to:*

*Maintain status quo season structure for the following HDs, and permit numbers for 2012 would be set as follows with annual change opportunities in May –July for the following calendar year (July 2012 adoption would address the permit level for 2013 hunting season). Note removal of HD 701 per other season recommendation.*

*HDs 410/417 – 1900 permits*

*HDs 620/621/622 –1400 permits*

*HDs 700 –705 permits*

*Motion carried.*

### Elk

Kujala clarified the proposals on the Master List so that 10 B Licenses 200-81 be added with a quota range of 5 – 100 and that no general license antlerless opportunity be proposed in HD 28,

*Action: Colton moved and Vermillion seconded the motion to adopt the remainder of elk Seasons, Quota Ranges, and HD Boundaries, with the following adjustments to Region 3 Proposals:*

*HD313 – unlimited BTB permits be made available for two weeks of surplus sale in 2012 ( no surplus sale in 2013) in an effort to apply a smooth transition to unlimited BTB permits*

*HD 314 – add youth harvest for antlerless elk on general license*

*HD317 – add 250 B licenses with a quota range of 50 - 350*

*HD360 and 362 – add component of mandatory reporting of harvested elk*

*Action on Motion: Colton accepted the amendments.*

Jack Greenwood is concerned about depredation of big game herd and loss of hunting opportunity.

*Action on Motion: Motion carried.*

*Action: Moody moved and Ream seconded the motion that any successful applicant for a bull permit in HDs 420, 455 and 282 that is valid during the general rifle season is ineligible to apply for B license in any of those three hunting districts. Motion failed – unanimously.*

Antelope

*Action: Vermillion moved and Ream seconded the motion to adopt the 2012/2013 Seasons, Quota Ranges, and HD Boundaries as proposed. Motion carried.*

Colton emphasized the need to be conservative given recent declines in antelope numbers.

**16. 2012/2013 Black Bear Seasons, Quotas Ranges and HD Boundaries – Final.**

*Action: Colton moved and Moody seconded the motion to approve the final 2012/2013 Black Bear Seasons, Quotas Ranges and HD Boundaries as proposed. Motion carried.*

**17. 2012/2013 Mountain Lion Seasons and HD Boundaries – Final.**

*Action: Colton moved and Vermillion seconded the motion to adopt the final 2012 and 2013 Mountain Lion Hunting Seasons and Hunting Districts as proposed by FWP, and further proposed that the special license level for Region 2 be consistent with previous levels set within the 2011 structure with the understanding that once the quota is reached, those permits are no longer valid. Colton also proposed that an unsuccessful special lion license applicant be able to purchase a general mountain lion license valid in any open district for both the fall and winter seasons. This 2nd part of the motion was clarified at the March meeting that it applied only to Region 2 and was not meant to be statewide.*

This hybrid structure does not necessarily increase the number of lions harvested. Quota levels will still determine harvest.

An unidentified man said he has problems with this. He is opposed.

Roland Dean said he is not in favor of a permit system. Supports the proposal to allow unsuccessful special lion license applicants the ability to purchase a general lion license. He said that on February 1 he and his friends will go kill all of the cats at once.

Unidentified man in Region 2 said he helped promote the hybrid system with houndsmen. Has concerns with proposed hybrid structure. Outfitters have killed more than 40%. The hybrid season will ensure they get more. Dogs are expensive. He expressed concern with the change to allow unsuccessful applicants the ability to purchase a general license—will reduce drawing odds and allow a greater influx of hunters on February 1.

Steve Kellen said the hybrid season is a good idea.

Steve Kamps said something else needs to be done as what is being done is not working. It is time for the hybrid season. Quota system provides fairness.

Mac Minard supports the hybrid season for Region 2.

Don Clark said the permit system in Region 1 has solved all kinds of problems.

Rod Bullis said the permit system has leveled the playing field. Time will tell if this works.

Mary Ellen Schnurr said the hybrid season is the best of both worlds.

*Action on Motion: Motion carried.*

**18. 2012/2013 Bison Hunting Seasons and HD Boundaries – Final.**

No recommended changes to proposals.

*Action: Colton moved and Vermillion seconded the motion to adopt the final 2012 and 2013 Bison Hunting Seasons and Hunting Districts as proposed by FWP. Motion carried.*

**19. 2012/2013 Upland Game Bird Hunting Seasons, Quotas and HD Boundaries – Final.**

No recommended changes to proposals.

*Action: Vermillion moved and Colton seconded the motion to adopt the final 2012 and 2013 Upland Game Bird Hunting Seasons and Quotas as proposed by FWP. Motion carried.*

**20. 2012/2013 Migratory Bird Hunting Regulations – Final.**

No recommended changes to proposals.

*Action: Colton moved and Vermillion seconded the motion to adopt the final 2012 and 2013 Migratory Bird Hunting Regulations as proposed by FWP and pending compliance with Federal frameworks. Motion carried.*

**21. 2012/2013 Game Damage Quotas – Final.**

No recommended changes to the proposals.

*Action: Vermillion moved and Colton seconded the motion to adopt the final 2012 and 2013 Game Damage and Management Season Quota authorizations as proposed by FWP. Motion carried.*

**22. 2012/2013 Hunting Season Dates – Final.**

No recommended changes to the proposals.

*Action: Vermillion moved and Colton seconded the motion to adopt the final 2012 and 2013 Hunting Seasons Dates as proposed by FWP. Motion carried.*

*Action: Colton moved and Vermillion seconded the motion to adopt all seasons that may not have been acted on in previous motions. Motion carried.*

**23. Open Microphone.**

Representative Washburn said he felt the last legislative session was productive. It is important to work together on predator problems. Bounties are not a solution as they cause more problems. There is a mandate to manage predators statutorily. He wants to work on legislation and maybe have permits to manage them. He said he will work with Vermillion on stopping the development of the tire dump near Chico; he will testify against it.

Mike Murphy said the predator issue needs discussion as hunters and ranchers feel they are becoming more of an issue. He wants to kill more mountain lions, and include females in the quotas with some re-alignment of quota areas.

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*Action: Vermillion moved and Colton seconded the motion to adjourn the meeting. Motion carried.*

The meeting adjourned at 3.25 p.m.



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Bob Ream, Chairman

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Joe Maurier, Director